

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-20 in the application. In a previous response, the Applicants amended Claims 5, 8, 12, 14-15 and 20. In the present preliminary amendment, the Applicants have amended Claims 1-12 and 15-20. Support for the amendment can be found in paragraphs 15-21 and Figure 2 of the original specification. Presently, no claims have been added or canceled. Accordingly, Claims 1-20 are currently pending in the application.

#### **I. Rejection of Claims 1-5 and 8-12 under 35 U.S.C. §102**

Previously, the Examiner rejected Claims 1-5 and 8-12 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,772,586 to Heinonen. Independent Claims 1 and 8, however, have been amended and the Applicants do not find where Heinonen discloses each element of these amended independent Claims. Regarding Claim 1, the Applicants do not find where Heinonen teaches a vital sign measuring system having a vital sign sensor integrated with a chassis of a mobile telephone and configured to determine vital sign information of a user. Instead, Heinonen discloses a measuring unit 11 having, for example, an integrated lancet 19, that can be attached to a mobile phone via the battery space thereof. (*See* column 4, lines 56-58, column 5, lines 21-23 and Figures 2-3.) The mobile phone of Heinonen does not include any device, system, component, *etc.*, to measure a vital sign. Instead, the measuring unit 11 performs the vital sign measurements. (*See* column 5, lines 21-39 and Figure 3.) Thus, the mobile phone of Heinonen does not include a vital sign sensor integrated with a chassis of a mobile telephone as recited in amended independent Claim 1. Regarding amended independent Claim 8, the Applicants also do not find where Heinonen discloses providing vital sign information to a user by

directly sending the vital sign information from a vital sign sensor to a display of a mobile telephone.

Therefore, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to amended independent Claims 1 and 8 and Claims dependent thereon, and allow issuance of Claims 1-5 and 8-12.

## **II. Rejection of Claims 6-7, 13-20 under 35 U.S.C. §103**

Previously, the Examiner rejected Claims 6-7, 13-20 under 35 U.S.C. §103(a) as being unpatentable over Heinonen in view of U.S. Patent No. 6,112,103 to Puthuff, *et al.* The Applicants respectfully disagree.

As discussed above, Heinonen does not teach each limitation of independent Claims 1 and 8. Additionally, Heinonen does not suggest each element of independent Claims 1 and 8 but instead discloses a measuring unit 11 that is a separate component from a mobile phone. Heinonen clearly indicates that the measuring unit 11 is independent from the mobile phone. (*See* column 5, lines 6-13, and lines 40-53.) Thus, Heinonen does not teach or suggest each element as recited in amended independent Claims 1 and 8.

Puthuff was cited by the Examiner to teach the subject matter of dependent Claims 6-7 and 13-14. (*See* Examiner's Final Rejection, page 7.) The Applicants do not find where the cited combination of Heinonen and Puthuff teaches or suggests each element of amended independent Claims 1 and 8. As such, the Applicants do not see where the cited combination provides a *prima facie* case of obviousness of amended independent Claims 1 and 8 and Claims dependent thereon. The cited combination, therefore, does not render dependent Claims 6-7 and 13-14 unpatentable.

Regarding independent Claim 15, the Applicants do not find where the cited combination of Heinonen and Puthuff teach each element of amended independent Claim 15. The Applicants respectfully request the Examiner to indicate otherwise if the Examiner disagrees. As such, the cited combination does not provide a *prima facie* case of obviousness of amended independent Claim 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 6-7 and 13-20 and allow issuance thereof.


### **III. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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